



7 November 2012

PRESS ALERT:

O'REGAN/PIKOLI COMMISSION OF INQUIRY:

**MINISTER MTHETHWA'S ACTION - MORALLY UNTENABLE, FACTUALLY
FLAWED, LEGALLY UNSUSTAINABLE**

POLITICAL EXPEDIENCY MUST NOT COME BEFORE SAFETY & LIVES

On average every day in Khayelitsha one person is murdered, two people are sexually assaulted or raped and many others are victims of violent crime. People die for their cell phones and for the little money they carry, conducting daily tasks such as going to the toilet or walking to school. This Commission of Inquiry (Col) is about the rights and freedoms of all people living in South Africa.

The position of the Minister and the SAPS in refusing to cooperate with the Col and in attempting to stop its work by lodging a High Court interdict application signals a hostile intention. It is one that is morally untenable because it puts political expediency before the safety and security of children, women and men living in Khayelitsha and everywhere in South Africa.

The application is factually flawed because the Minister fails to recognise the hundreds of marches, pickets and meetings we have held and the hundreds of petitions and letters we have written to ensure justice for people like Lorna Mlofana, Nandipha Makeke and Zoliswa Nkonyana. It ignores the continued suffering that people endure at the hands of criminals and the criminal justice system.

The application is legally unsustainable because a province has a duty to investigate problems with policing on the basis of any complaint it receives. The Minister's papers show the failure of intergovernmental relations between all spheres of government to address issues of safety and justice. This alone warrants investigation. It is highly regrettable that

despite calls by our organisations for ten years for action to be taken the agencies responsible for ensuring safety and justice have not constructively engaged with each other. The Minister, the Premier, the Mayor and others all need to carry responsibility for this failure.

When Premier Zille was considering establishing the Col she granted the police many indulgences to respond. They failed to do so every time. In July 2012 our organisations met with a team from the SAPS National Inspectorate sent by National Police Commissioner Phiyega. Following this meeting we have not had the courtesy of a response from Phiyega or the National Inspectorate, as was agreed upon.

When Minister Mthethwa met with Premier Zille in October 2012 – six weeks after the Col had been established – he proposed that SAPS conduct its own investigation. We wrote to the Minister requesting further information about the proposed investigation. He did not have the courtesy to respond and has failed to answer our questions in any forum.

Our organisations and members met last month and decided in principle that should the Minister challenge the Col in court we would oppose such action. We will be meeting tomorrow to finalise our decision. We urge the Minister and the other applicants to withdraw their application.

We urge President Jacob Zuma, Minister of Justice and Constitutional Development Jeff Radebe and Cabinet to call an urgent meeting and bring all the parties together to ensure that the Col is allowed to continue with its work, in the interests of all people in South Africa.

[ENDS]

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